

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFERY HALL,

Plaintiff,

v.

KHAWAJA IKRAM, Doctor,
PANDYA, Doctor,¹
STEVEN McLAIN

Case No. 08-13498
Honorable Denise Page Hood
Magistrate Judge Charles E. Binder

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION AND DENYING
PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME**

This matter is before the Court on Magistrate Judge Charles E. Binder's Report and Recommendation Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure [Docket No. 31, filed on March 29, 2009]. Neither party has filed an objection, and the time to do so has expired. Plaintiff has filed a Brief in Support of Motion for Enlargement of Time in Which to File Responsive Pleading [Docket No. 36, filed on May 10, 2010], requesting an additional sixty days to file objections. For the reasons set forth below, the Court ACCEPTS and ADOPTS Magistrate Judge Binder's Report and Recommendation and DENIES Plaintiff's Brief in Support of Motion for Enlargement of Time in Which to File Responsive Pleading.

Plaintiff Hall was released on parole for several months without apprising the Court of

¹ Defendant Pandya was terminated on January 20, 2009 [Docket No. 11].

his updated contact information.² At the time this R&R was filed, there had been no correspondence from Plaintiff with respect to this case since August of 2009. Any correspondence sent to him after his parole was returned as undeliverable. Magistrate Judge Binder concluded that Plaintiff failed to actively pursue the litigation he initiated, and recommends that the case be dismissed *sua sponte* for failure to prosecute. This Court has reviewed the matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

On May 10, 2010, Plaintiff filed a Motion for Enlargement of Time, requesting an additional sixty days to object to the R&R. Plaintiff alleges that such an extension is necessary, as he did not have immediate access to his files, which remained at prison after his parole. Plaintiff does not, however, explain why his request for more time comes six weeks after the R&R was filed, rather than within the required 14 days. Filing such a request does not require access to one's files. Further, Plaintiff fails to support his request with any purported deficiencies found in the R&R.

Accordingly,

IT IS ORDERED that Magistrate Judge Charles E. Binder's Report and Recommendation Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure [Docket No. 31, filed on March 29, 2009] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law. This matter is **DISMISSED**, *sua sponte*, without prejudice.

IT IS FURTHER ORDERED that Plaintiff's Brief in Support of Motion for

² Plaintiff filed a change of address after the filing of this R&R [Docket No. 34, filed on April 23, 2010].

Enlargement of Time in Which to File Responsive Pleading [**Docket No. 36, filed on May 10, 2010**] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: September 10, 2010

I hereby certify that a copy of the foregoing document was served upon Jeffery Hall, 3200 N. Monroe, Apt. 305, Monroe, MI 48182 and counsel of record on September 10, 2010, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager